



Montana  
**Office of Public Instruction**  
Denise Juneau, State Superintendent

## Private School Participation in Federal Programs



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## Why serve private schools?

- The federal programs are supported from **tax dollars**, therefore all children and teachers are eligible to access these programs.

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## Private School Participation in Federal Programs

NCLB **requires** equitable services be provided to private school students, teachers, and other educational personnel. (Under some programs, to parents.)

## Equitable Participation

### What does this mean?

- If a program is available to the public school student, then private school students who would have attended the qualifying public school are eligible to participate in the program.
- Services should be equitable and should begin at the same time as the public school services to the qualified students.



## The key word is services

*No public funds are distributed to private schools, **only services and materials.***

## Covered Programs

- **Title I, Part A—Improving Basic Programs\***
- Title I, Part B—Reading First\*\*
- Title I, Part B—Even Start Family Literacy\*\*
- Title I, Part C—Education of Migratory Children\*\*
- Title II, Part A—Teacher and Principal Quality\*\*
- Title II B – Math and Science Partnerships\*\*
- Title II, Part D—Enhancing Education through Technology\*\*
- Title III, Part A—ELL/Emergency Immigrant\*\*
- Title IV, Part A—Safe and Drug-Free Schools\*\*
- Title IV, Part B—21<sup>st</sup> Century Learning Centers\*\*
- Carl Perkins

**\* Program covered by its own equitable provision requirements.**

**\*\* Programs covered by Uniform Provisions.**

- Websites for guidance on last slide -



## Participation Qualifications

- Private schools must submit the ***Intent to Participate*** forms by the spring deadline in order to qualify for services the following school year.

## Process to Participate

### **PUBLIC SCHOOL DISTRICTS MUST:**

- Review ***Intent to Participate*** forms: *Determine districts that wish to participate, do not wish to participate, or did not participate.*
- Contact private schools that indicate an intent to participate and begin consultation process (April-June)
- Must consult prior to submitting their federal grant application.



## Consultation

### Consultation between the public school and private schools during the design and development of the programs:

- Must be timely and meaningful, must happen prior to district decisions being made to ensure the needs of the private school are considered when professional development, teacher assignments, and other decisions are being made.
- Must take place on an annual basis, and be documented by the district. Public school district must complete a written affirmation form (required for Title I) indicating the date the consultation took place between the public and private school. The affirmation of consultation should be signed by both the public and private school officials.

## Consultation *continued*

- Must continue **throughout** the year, to ensure the needs of private school students are being met.
- Consultation is an ongoing process and can occur in many ways. It can be phone calls, e-mails, or a site visit.



## Consultation *continued*

### Consultation must cover issues such as:

- How the children's needs will be identified
- What services will be offered
- How and where the services will be provided:
  - \* The district maintains administrative control over services:
    - District recruits, interviews and selects teachers who will provide services.
    - Regularly supervise and monitor teachers who provide services.
    - Communicate effectively with private school officials.
    - Must be clear about the services to be provided.
    - Must begin at the same time that services begin in the public school.

## Consultation *continued*

- How the services will be assessed and how the results of the assessment will be used to improve those services
- Service delivery mechanisms used to provide equitable services
- Who will provide the services



## Consultation *continued*

- The amount of funds available to serve private school students. Public schools must discuss with the private school the amount of services available to them in each of the federal programs. This will allow the private schools to better plan appropriately and make careful decisions with the public school district to serve their students.
- The size and scope of the services to be provided. Public and private school should have a written plan of services to be provided.
- Consideration of the views of the private school officials re: use of third-party providers
- When the LEA disagrees with the views of the private school officials on the provision of services, the LEA must provide a written explanation of the reasons why the LEA has chosen not to use a contractor.

## Complaint Process

- If private school officials believe that timely and meaningful consultation has not occurred or that the district did not give due consideration to their views, they should first contact the federal programs representative or superintendent at the school district to discuss their concerns.
- In the event the concern is not resolved, the private school has the right to file a formal written complaint with OPI.



## Complaint Process

### The formal written complaint should include:

- A statement that the district, other educational agency, or in some cases OPI, has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation.
- The specific requirement alleged to have been violated.
- The facts on which the complaint is based.
- The name and address of the complainant.
- The expected resolution of the alleged violation.
- The signature of the complainant.
- A complaint should be sent directly to:

The Specific OPI Program Director, Office of Public Instruction  
P. O. Box 202501, Helena, MT 59620-2501

## Title I, Part A – Improving Basic Programs

### Purpose:

Provides supplemental educational services for eligible public and private school students to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments (should the private school choose to do so).

*\* Governed by Title I, Part A Guidance*





## Title I, Part A *continued*

### Examples of Services:

- Instructional services outside the regular classroom
- Extended learning time (before/after school and in the summer)
- Family literacy programs
- Counseling programs
- Early childhood
- Home tutoring
- Computer-assisted instruction

## Title I, Part A *continued*

### Who is served?

- Must reside in participating public school Title I attendance area AND be failing or most at risk of failing to meet high standards
- Selected on the basis of multiple, educationally-related, developmentally-appropriate criteria
- Poverty is **NOT** a criterion
- District chooses children to be served from the list that the private school provides of eligible students



## Title I, Part A *continued*

### What is the applicability of state academic assessment to private schools?

- Private schools, including private schools with Title I students, are not required to participate in a state's academic assessments

## Title I, Part A *continued*

### How are Title I funds for private school students determined?

- NCLB Section 1120 specifies that funds are generated on the basis of the number of students from low-income families who reside in participating public school attendance areas and attend private schools whether the private schools are located within or outside district boundaries. Private school students who reside within a Title I attendance area and who are failing or most at risk of failing to meet high academic standards are eligible for service.



## Title I, Part A *continued*

### Where may Title I services be provided to private school students?

- Services may be provided at the private school, including religiously affiliated schools, or at other locations.

## Title I, Part A *continued*

### What services may be provided to private school students, parents, and educators?

- Services may include assistance through a pull-out model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy, and early childhood programs. In addition, the law requires equitable participation of private school teachers and other educational personnel of Title I students in professional development activities and of parents of Title I students in parent involvement.



## Title II, Part A— Professional Development

### **Purpose:**

Opportunity for private school teachers to participate in professional development to raise student achievement.

### **Services can be provided several different ways:**

- Participation in scheduled professional development at the school district,
- Qualified school district staff providing services to private school staff, and/or
- Third party services (registration to conference, or a contracted trainer).

*\* Governed by Uniform Provisions*

## Title II, Part A *continued*

### **How does the district determine the amount of funds required for equitable services?**

- To determine the per pupil allocation the district should take the total amount allocated for professional development in the district and divide this amount by the total number of public and private school students. This per pupil amount should then be multiplied by the total number of students enrolled in private schools to arrive at a total amount of funds to be designated for professional development for private school educators participating in the program.



## Title II, Part A *continued*

### Does the professional development program for private school teachers have to be the same as the professional development program for public school teachers?

- No. Consultation and coordination are essential to ensuring high quality, sustained, intensive, and classroom-focused professional development activities.
- If the professional development needs of the private school teachers are different from those of the public school teachers, the district with the private school representative should develop a separate program.

## Title II, Part A *continued*

### May funds be used to pay stipends to private school teachers for professional development activities?

- Yes. Funds may be used to pay for stipends for private school educators.
- The use of the funds for stipends must be reasonable and necessary. For example, if the professional development activity is conducted during after-school hours or in the summer, stipends may be needed to compensate educators for their participation outside their regular employment hours.
- Funds must be paid directly to the private school teacher, not to their school.



## Title II, Part A *continued*

### May funds be used to pay for substitutes for private school teachers for professional development activities?

- No. Funds may be not used to pay for substitutes for private school educators.
- To provide a substitute, funds would have to be given directly to the private school and this is prohibited.

## Title VI– Flexibility and Accountability

- If a district uses the General Transferability provision or the REAP-Flex authority, they must conduct consultations with private school officials prior to making any decision regarding the transfer or REAP/ Flex of funds that could affect the private school's ability to benefit from programs for which they are eligible.
- The equitable share must be retained in the original program for the benefit of the private school before any transfer or flex occurs.



## Resources

- **Title I Services to Eligible Private School Students Guidance:**  
<http://www.ed.gov/programs/titleiparta/psguidance.doc>
- **Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit:**  
<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>
- **Title II, Part A, Improving Teacher Quality Guidance**  
<http://www.ed.gov/programs/teacherqual/guidance.pdf>
- **Title IX, Part E, Uniform Provisions – Equitable Services to Eligible Private School Students, Teachers, and Other Educational Personnel, Non-Regulatory Guidance:**  
<http://www.ed.gov/policy/elsec/guid/equitableseguidance.doc>

## Resources *continued*

- **Guidance on the Transferability Authority:**  
<http://www.ed.gov/programs/transferability/legislation.html>
- **Guidance on the Rural Education Achievement Program (REAP)**  
<http://www.ed.gov/policy/elsec/guid/reap03guidance.doc>
- **Federal Office of Non-Public Education:**  
<http://www.ed.gov/about/offices/list/oii/nonpublic/index.html>